IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 382 of 2006

Between:

Kalluri Krishna Murthy

..... PETITIONER

AND

The Joint Collector, (Civil Supplies) Karimnagar,

Karimnagar Dist. and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in seizing 29 quintals of soybean oil, 6 quintals of P.oil and 6 quintals of groundnut oil on 21.12.2005 on the allegation that the petitioner violated provisions of Edible Oils Packing Regulation Orders, 1998, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner submits that under the cover of Panchanama, dated 21.12.2005, the Deputy Tahsilder (Civil Supplies), Huzurabad seized 29 quintals of soybean oil, 6 quintals of P.oil and 6 quintals of groundnut oil on the allegations that the petitioner is selling the said oils in loose quantities, which is contrary to the provisions of the Essential Commodities Act, 1955 and violation of provisions under Edible Oils Packing Regulation Orders, 1998, and accordingly a report under Section 6-A of the Essential Commodities Act, 1955 has been submitted to the

1st respondent for confiscation of the seized goods. It is stated the even pending finalisation of the 6-A proceedings, the said seized goods are being sold. It is stated that if petitioner ultimately succeeds in 6-A proceedings, the said seized goods are not liable for confiscation and therefore, it may not be just and proper to sell the same. It is further stated that the petitioner will not claim any damages that may be caused to the said seized goods by the reason of delaying in disposal of the 6-A enquiry and he states that the goods may not be sold pending disposal of the 6-A enquiry and 6-A enquiry itself has to be disposed of.

Having regard to the facts and circumstances of the case, the

1st respondent is directed to complete the 6-A proceedings as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order, and till then, the said seized goods may not be sold, subject to the condition that the petitioner files an undertaking that he will pay the value of the seized goods obtaining as on the date of seizure, in the event of the 1st respondent-

Joint Collector confiscates any portion of the seized goods.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 05.01.2006

Dsr